

Minutes of the
Bountiful City Council Meeting
City Council Chambers
May 11, 2010 - 7:00 p.m.

Present: Mayor Pro Tempore: Thomas Tolman
Council Members: Beth Holbrook, John Marc Knight, R. Fred Moss and Scott Myers
City Manager: Tom Hardy
City Attorney: Russell Mahan
City Engineer: Paul Rowland
Admin. Services Director: Galen Rasmussen
Planning Director: Aric Jensen
Department Reps: Tom Ross, Police
Jerry Wilson, Parks
Recording Secretary: Nancy Lawrence

Excused: Mayor: Joe L. Johnson

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune and on the Utah Public Notice Website.

Mayor Pro-Tem Tolman called the meeting to order at 7:00 p.m. Councilman Moss led the pledge of allegiance to the flag, following which Councilman Knight offered the prayer/thought.

APPROVAL OF MINUTES

Minutes of the City Council meeting held April 27, 2010 were presented and Councilman Moss motioned for approval. Councilman Myers seconded the motion and Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

EXPENDITURES AND EXPENSES APPROVED

Mayor Pro-tem Tolman presented the Report of Expenditures and Expenses Greater than \$1,000 for the period April 15 - 21, 2010 totaling \$158,202.75. Councilman Myers made a motion to accept the expenditures, as presented. Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

YOUTH COUNCIL REPORT

Rachael Gehmlich and Rebecca Neilson were in attendance to report on Youth Council activities. The Youth Council recently helped with a carnival at Lakeview Hospital. The Youth Council is hopeful that Lakeview will help sponsor them next year for the meetings and competition at USU. They had also helped at Lakeview with the Emergency Preparedness Fair. Rachael also noted that applications have been received for the Youth Council for next year and the increase in interest from the three high schools is exciting.

1 Rebecca reported that the Youth Council is sponsoring a stomp on June 5th which will be
2 held on 200 South St. between Main and 100 East. The event is being co-sponsored with
3 Bountiful Police Department and the "Community that Cares" coalition in discouraging under-
4 age drinking.

5
6 Councilman Knight took a few minutes to praise the out-going members of the Youth
7 Council, noting that all are going to college and many have received scholarships. He attributed
8 the leadership skills gained in Youth Council as a significant factor in being awarded
9 scholarships (totaling almost \$200,000). He then read a statement from Mayor Johnson
10 recognizing Rebecca Neilson as the Youth Citizen of the Year. The statement outlined the
11 service Rebecca has rendered and described her as "a good friend to everyone and dedicated to
12 helping others". She was also recognized by the Bountiful Elks Club as the Bountiful Youth of
13 the Year.

14
15 **COMMERCIAL SITE PLAN APPROVED FOR JIFFY LUBE**
16 **ACCESSORY BUILDING - 327 WEST 500 SOUTH**

17 _____Mr. Jensen presented the request of Kirk Umphrey for preliminary and final site plan
18 approval for a 5,600 sq. ft. accessory building to be located at 327 West 500 South. The
19 Planning Commission has considered this request and send it to the Council with the finding that
20 it meets the minimum criteria for site plan approval, and with the following conditions:

- 21 (1) The applicant receive approval from Davis County Flood Control to discharge into
22 Mill Creek.
23 (2) The applicant install rain gutters on the proposed accessory building that tie into the
24 storm drain system such that all run-off is contained on the subject property.
25 (3) The applicant submit a colors and materials board to the City Council showing how
26 the proposed building will fit in with surrounding development.
27 (4) Any site plan redline corrections be made prior to building permit approval.
28 (5) The proposed building shall be setback from the rear and side property lines at least
29 the minimum distance required by the IBC. *(Note: Mr. Jensen stated that the*
30 *Building Inspector said this will not be an issue [the creek in the back] because the*
31 *building could be moved forward)*
32

33 Discussion focused on whether or not the proposed "storage shed" was appropriate for the
34 surrounding development, and on architectural features which would make the building more
35 aesthetically pleasing. Following a brainstorming session, Councilwoman Holbrook made a
36 motion that preliminary and final site plan be approved, as presented, with the inclusion of one
37 more condition:

- 38 (6) That a 3'8" off-white wainscot be required on the side facing north (Color #610).
39

40 Councilman Knight seconded the motion and voting was unanimous. Councilpersons Holbrook,
41 Knight, Moss, Myers and Tolman voted "aye".
42

43 **PUBLIC HEARING TO REVIEW PROPOSED AMENDMENT**
44 **TO BOUNTIFUL ZONING MAP; HIGHLAND OAKS**

45 Mr. Jensen introduced the request of Autumn Wood Development LLC to rezone
46 approximately 114 acres of property in Highland Oaks Subdivision from Residential Foothill

1 (R-F) to Residential Foothill Planned Development Overlay (R-F-PDO). The request is being
2 made based on the fact that the majority of the ground has a natural slope steeper than 30% and is
3 challenging to develop. The request and the proposed development plan were reviewed by the
4 Planning Commission and staff. Issues which were discussed and found to be in compliance
5 with existing criteria were roads, utilities availability, and lot size.
6

7 Mr. Jensen said that the purpose of this meeting is to receive public comments, and
8 depending on the information gathered, either continue the item in order to gather additional
9 information, or approve Ordinance No. 2010-05 with any conditions/modifications the Council
10 deems appropriate. Bruce Baird, counsel for Autumn Woods, reviewed that development of this
11 property has been going on for the past four years and he expressed appreciation to the staff and
12 Planning Commission for all of the issues which have been resolved. He also noted that the
13 developer has no issue with the old easement which runs through the property.
14

15 The Mayor Pro-tem opened the public hearing at 7:59 p.m. Tom Gyurb, speaking on
16 behalf of the homeowners in the area, explained that a group of approximately 100 homeowners
17 requested that two individuals speak on their behalf – Dave Wilding, 2295 South Pheasant Way,
18 and Mike Crippen, counsel. Mr. Wilding (engineer) reviewed the following points in opposition
19 to the zone change: (1) due to the sensitive nature of the property, additional information is
20 necessary before a wise decision can be made regarding development issues. (2) Present zoning
21 would only permit 4 lots/homes. The current zoning is the same as it was when the property was
22 purchased by the current owner. (3) The steepness of the property (no area less than 16 percent)
23 will require extra grading for each home site which will result in excessive cuts, fills, and a
24 concern regarding the retaining walls, as well as elimination of much of the natural vegetation.
25 (4) The storm drainage run-off will increase by two to three times; and, the storm drain system in
26 the adjoining area is not completed. (5) There are geo-technical issues with slope stability.
27 Sound planning practices should be implemented. (6) The loop road for the project has only a
28 single access. (7) Due to the natural vegetation, the fire danger is high and would require 100-ft.
29 clearance around each home. (8) The proposed development is not compatible with the
30 surrounding land. Existing properties range from .5 to 5 acres. The proposed development
31 features 28 homes on 9 acres averaging .33 acre per lot. (9) The zoning is the same as it was
32 when purchased by the current owner and developing it under the current zone does not create an
33 unfair hardship.
34

35 Mr. Crippen referenced several points of law which illustrated that, due to the high costs
36 involved in developing this property and the financial structuring by the owner, the ability to
37 complete the development is extremely questionable. He also emphasized that since the zoning
38 is the same as when the current owner purchased it, there is no ground for the owner to claim
39 property rights have been infringed on if the zone request is denied. Both Mr. Crippen and Mr.
40 Wilding emphasized that the City needs to require further study of issues related to safety (slope
41 stability, drainage, access, etc.) and sound planning principles prior to making any zone changes.
42

43 The following homeowners spoke in opposition to the development: Clair Carling (699
44 Highland Oaks Dr.), Tom Durrant (TLC Construction) , Wally Lloyd (1320 Canyon Creek Dr.),
45 Cory Chapman (993 Highland Oaks Drive), and Steve Slatter (1398 Canyon Creek Drive). Mr.
46 Baird gave closing comments and the Mayor Pro-tem closed the hearing at 9:16 p.m.

Councilman Moss made a motion to continue the hearing to the City Council meeting on June 15, 2010, to permit the staff and Council to gather additional information. Mr. Hardy noted that a letter had been received from Jason Orvis regarding his concerns. Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye". Mr. Hardy requested that materials supporting the presentation of the two parties be turned in to the Council by Thursday, May 20th.

TENTATIVE 2010-11 BUDGET APPROVED

Mr. Hardy presented the Tentative Budget for the City of Bountiful for the Fiscal Year 2010-2011, balanced at \$48,113,444.00 (after intra-city revenue and expense transfers of \$7,365,451). He noted that the official public hearing will be on June 8, 2010. He stated that the budget has been significantly reviewed, and commented on the large capital projects involving power resources – upgrading the 138 substation and power plant. Another major expenditure will be the purchase of a trash compactor for the Landfill at \$500,000.

The budget does not include a tax increase, an increase in fees, or any other increases. However, at the time the power plant upgrade is approved and that project gets under way, it is very likely that power rates will need to be increased. The budget does not include a COLA for employees; however, due to higher insurance costs, the employees will pay more for their share of the insurance. (Basically, employees will be making less than they did last year due to the increase in insurance costs). The Council made several comments, including appreciation to the staff for their efforts in putting the budget together. Councilwoman Holbrook made a motion to approve the Tentative Budget for Fiscal Year 2010-2011, as presented, and to set the public hearing to consider the budget for June 8, 2010 at 7:00 p.m. or as soon thereafter as possible. Councilman Myers seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

COMMITTEE REPORTS

_____None

The meeting adjourned at 9:33 p.m. on a motion made by Councilman Moss and seconded by Councilman Myers. Voting was unanimous with Councilpersons Holbrook, Knight, Moss, Myers, and Tolman voting "aye".

JOE L. JOHNSON, Mayor

KIM J. COLEMAN, City Recorder

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